

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ALISHA W. WILKES,

Plaintiff,

v.

GMAC MORTGAGE, LLC, *et al.*,

Defendants.

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Civil No. 1:10-cv-01160 (CMH-TRJ)

**REPLY BRIEF IN SUPPORT OF
MOTION TO EXCEED PAGE LIMIT**

Defendant, GMAC Mortgage, LLC (“GMACM” and/or “Defendant”), by counsel, files this Reply Brief in Support of its Motion to Exceed the Page Limit (“Motion”) set forth in Rule 7(F)(3) of the Local Rules of the United States District Court for the Eastern District of Virginia for the filing of GMAC Mortgage, LLC’s Memorandum in Support of Motion for Summary Judgment.

Plaintiff has filed an Opposition Brief, claiming that GMACM’s forthcoming motion for summary judgment is somehow tardy. GMACM respectfully disagrees, and it notes that the Court’s Rule 16(b) Scheduling Order (Docket No. 41) and Local Civil Rule 56 expressly provide that “ten working days’ notice is required” for a motion for summary judgment; here, the parties have already agreed on July 29, 2011 as the hearing date, therefore a motion for summary judgment filed this week and noticed for July 29, 2011 is not untimely.

Defendant is aware of the vacation scheduled of one (1) of Plaintiff’s three (3) attorneys and simply noticed this Motion for hearing at the earliest date possible, in the hope that the Court would decide it before July 7, 2011, without requiring a hearing. As this Court did not grant

either of Plaintiff's motions for sanctions in the hearing before Judge Jones last Friday, July 1, 2011, and Defendant has been diligently working over the July 4th holiday to prepare its forthcoming Motion for Summary Judgment, it is not unreasonable for Defendant to request permission to exceed the thirty (30) page limit at this time. Defendant did not want to request this relief until it was certain that it needs more than the normal page limit. Although Defendant requested an additional fifteen (15) pages, in the spirit of compromise Defendant would modify its request to at least five (5) additional pages.¹

WHEREFORE, defendant, GMAC Mortgage, LLC, respectfully requests that this Court grant its Motion to Exceed Page Limit for GMAC Mortgage, LLC's Memorandum in Support of Motion for Summary Judgment and permit it to file a brief at least thirty-five (35) pages in length but no longer than forty-five (45) pages in length.

GMAC MORTGAGE, LLC

By: /s/ John C. Lynch
By Counsel

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¹ Prior to filing the Motion, Defendant requested Plaintiff's consent to permit GMACM to exceed the normal page limit. Plaintiff did not identify any reason for opposing the relief herein requested by GMACM. Instead, Plaintiff stated she would consent if she was provided an additional ten (10) days to respond. Of course, this would mean Plaintiff's Opposition Brief to Defendant's forthcoming Motion for Summary Judgment (which it expects to file on or about July 7, 2011) would not be filed until on or about July 28, 2011 – one (1) day before the scheduled hearing – and would result in Defendant having no opportunity to file a Reply Brief in support of its Motion for Summary Judgment before the scheduled hearing on July 29, 2011.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of July, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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